Supreme Court, U.S.
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No. _____

IN THE

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

PEGGY STEENBERGEN, Individually and on Behalf of the Estate of JOSEPH RAY STEENBERGEN, Deceased; and JANET STEENBERGEN as Next Friend of JULIE ANN STEENBERGEN and JENNIFER JO STEENBERGEN, Minors,

*Petitioners*

*v.*

FORD MOTOR COMPANY,

*Respondent*

## Petition for Writ of Certiorari to the Texas Court of Appeals for the Fifth District of Texas and Appendix

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## QUESTION PRESENTED

Whether the state trial court violated the equal protection rights of the Petitioners by permitting the Respondent to utilize the services of employees and property of the State of Texas to help defeat the Petitioners' claim, when such services and property could not be utilized by the Petitioners.

## PARTIES TO THE PROCEEDINGS BELOW

1. Peggy Steenbergen, Individually and on behalf of the Estate of Joseph Ray Steenbergen, Deceased; and Janet Steenbergen as Next Friend of Julie Ann Steenbergen and Jennifer Jo Steenbergen, Minors.
2. North River Insurance Company.
3. Ford Motor Company.
4. Transport Life Insurance Company.

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## Petition for Writ of Certiorari to the Texas Court of Appeals for the Fifth District of Texas and Appendix

### REFERENCE TO OPINIONS BELOW

The published opinion of the Texas Court of Appeals for the Fifth District of Texas is reproduced in Appendix A. Other pertinent information is reproduced in the Appendix.

### JURISDICTION

The judgment of the Court of Appeals for the Fifth District of Texas was entered on June 18, 1991. The motion for rehearing was overruled on September 2, 1991. The Supreme Court of Texas denied an application for writ of error on February

19, 1992, and overruled the motion for rehearing of the application for writ of error on March 25, 1992.

The Supreme Court of the United States has jurisdiction to grant this Petition and review the decision of the Texas Court of Appeals under 28 U.S.C. § 1257(a).

## CONSTITUTIONAL PROVISION INVOLVED

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. CONST. amend. XIV, § 1.

## STATEMENT OF THE CASE

The Petitioners (the Steenbergen family) sued Ford Motor Company for the wrongful death of Joseph Ray Steenbergen in an automobile collision (Tr. 198). The suit was based on negligence and products liability theories (Tr. 200-07). The Petitioners believe that Mr. Steenbergen's death was directly caused by the design of the Ford LTD he was driving. The steering column crushed his chest and that was the ultimate cause of his death (S.F. Vol. V, p. 576-1).

The jury was asked whether Ford defectively designed the LTD being driven by Mr. Steenbergen, because of the absence of a driver air bag restraint system or a driver automatic seatbelt restraint system, and whether the steering column was defectively designed (Tr. 397). The jury answered "no" to each

of those inquiries (Tr. 397). The trial court entered judgment for Ford (Tr. 410).

Early in the trial, the Petitioners learned that the Respondent had made special arrangements with the official court reporter, an employee of the State of Texas, to purchase from her a daily transcript of the testimony (S.F. Vol. V, p. 615-1). The trial court permitted this procedure, extra reporters were hired, and three reporters alternated in the taking of testimony during the day (S.F. Vol. V, pp. 621-1 – 622-2). Two of the court reporters were official court reporters, one employed by the trial court and one employed by the 160th District Court of Dallas County (S.F. Vol. V, pp. 621-1 – 622-1). The third court reporter was a freelance reporter (S.F. Vol. V, pp. 621-1 – 622-1). The 160th District Court reporter hired a substitute reporter to assist as needed for that court, while she was paid by the Respondent to prepare daily copy in this case (S.F. Vol. V, pp. 621-1 – 622-1; Vol. VI, pp. 783-86). In addition to utilizing state employees, the Respondent used state property to produce its daily record.

The Petitioners could not afford to purchase daily copy, and the trial court denied their request to be provided with free daily copy (S.F. Vol. V, pp. 616-1 – 620-1; Vol. VI, p. 761). The Petitioners objected because, among other things, the combination of the procedure employed by Ford and the denial of free daily copy to the Petitioners constituted a denial of equal protection and due process to the Petitioners, in violation of the Fourteenth Amendment (S.F. Vol. V, pp. 615-1 – 616-1, 621-1; Vol. VI, p. 758; Vol. VIII, p. 1164). The trial court overruled these objections (S.F. Vol. V, p. 619-1; Vol. VI, p. 761; Vol. VIII, p. 1164).

The Petitioners pursued their equal protection claim in their appeal to the Texas Court of Appeals for the Fifth District at Dallas. The Texas Court of Appeals rejected this claim. (App. A-14). The Petitioners filed an application for writ

of error with the Supreme Court of Texas to review the decision of the Texas Court of Appeals. Without written opinion, the Texas Supreme Court denied both the application for writ of error and the motion for rehearing of the application for writ of error. (App. B-1-2, B-3-4). This petition is timely presented seeking reversal of the decision of the Texas Court of Appeals.

## REASONS FOR GRANTING THE WRIT

The Texas Court of Appeals has decided an important question of federal law which has not been, but should be, settled by this Court. That question is whether the equal protection rights of a party are denied when a trial court permits a party to utilize the state's employees and property to help defeat an opponent's claim, when the employees and property could not be utilized by the opponent.

The Texas Court of Appeals based its rejection of the Petitioners' equal protection claim largely on the fact that the authorities relied on by Petitioners dealt primarily with criminal trials or appeals. (App. A-14). This distinction is illusory. The critical factor in determining whether litigants have been deprived of their equal protection rights is whether state action is involved, not whether the state action took place in a criminal, rather than civil, proceeding. *Cf. Edmonson v. Leesville Concrete Co., Inc.*, ___ U.S. ___, ___, 111 S.Ct. 2077, 2082-87, 114 L.Ed.2d 660 (1991) (equal protection rights of excluded jurors, formerly recognized only in criminal cases, extended to civil cases upon finding of state action). In this case, the focus of Petitioners' complaint is the trial court's permitting the Respondent to use state property and employees while effectively denying the same rights to the Petitioners. At a minimum, the State should have provided the Petitioners with a copy of that which it provided to the Respondent. State action is unquestionably present.

Within the judicial arena, the procedures or rights that are afforded may not be granted to some litigants and capriciously or arbitrarily denied to others without violating the Equal Protection Clause. *See Griffin v. Illinois*, 351 U.S. 12, 18, 76 S.Ct. 585, 590, 100 L.Ed. 891 (1956). Because the trial court denied the Petitioners' request to be provided with a free copy of the daily transcript, and Petitioners had no other means to obtain the transcript, the procedure employed by the trial court violated the equal protection and due process rights of the Petitioners.

The unconstitutionality of the procedure employed in this case is best demonstrated by reference to decisions in related areas. For example, if appellate review is permitted, it may not be burdened with financial requirements that foreclose review for the poor. *See Lindsey v. Normet*, 405 U.S. 56, 77-80, 92 S.Ct. 862, 876-77, 31 L.Ed.2d 36 (1972). And, while the Equal Protection Clause does not require absolute equality between litigants, the judicial system must be free of unreasoned distinctions and the courts must not be effective for the rich but a meaningless ritual for the poor. *See Ross v. Moffitt*, 417 U.S. 600, 610-13, 94 S.Ct. 2437, 2444-45, 41 L.Ed.2d 341 (1974).

Consistent with that view, the Second Circuit has held that a trial court abuses its discretion by denying a free daily transcript to an indigent defendant when the government is receiving one. *United States v. Bari*, 750 F.2d 1169, 1181-82 (2d Cir. 1984), *cert. denied*, 472 U.S. 1019 (1985).

The principles and reasoning of the foregoing cases are applicable here. It is a patent violation of equal protection when the State, through its trial courts, allows and condones a wealthy private defendant's purchase of daily transcripts to be used to attack the plaintiffs' witnesses, but denies free transcripts to the plaintiffs who cannot afford to purchase them. The use of the daily copy supplied to Respondent in part

by the State, but not to the Petitioners, gave Respondent a substantial advantage in its cross-examination of the Petitioners' key witness, in various discussions with the trial court, and in final argument. (*See, e.g.*, S.F. Vol. VIII, pp. 1190-92; Vol. IX, pp. 1551-53; Vol. X, p. 1785). In a trial as lengthy and as complex as this case involved, this advantage cannot be underestimated. This advantage could have, and should have, been neutralized, either by providing the same daily copy to the Petitioners or by not permitting the use of state employees and property to aid the Respondent.

## CONCLUSION

When the state courts tell a corporate defendant that it may distort the fairness of trial proceedings simply by spending more money than its opponent possibly can, the Supreme Court should recognize the constitutional evil that has been sanctioned: a subversion of equal protection rights.

For the foregoing reasons, Petitioners respectfully request the Supreme Court to grant this Petition for Writ of Certiorari and grant to them all relief to which they are entitled.

Respectfully submitted,

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**v.**

**FORD MOTOR COMPANY and Transport Life Insurance Company, Appellees.**

**No. 05-89-01396-CV.**

Court of Appeals of Texas, Dallas.

June 18, 1991.

Rehearing Overruled Sept. 2, 1991.

Take-nothing judgment was rendered in wrongful death case against automobile manufacturer in the 68th Judicial District Court, Dallas County, Gary Hall, J., and appeal was taken. The Court of Appeals, Enoch, C.J., held that: (1) automobile manufacturer properly complied with discovery requests; (2) plaintiffs were properly precluded from presenting crash test data its expert had obtained in another case involving same manufacturer; and (3) manufacturer was properly permitted to pay rotating trio of court reporters to produce daily transcript of testimony.

Affirmed as modified.

**1. Pretrial Procedure | Key | 15**

Goal of discovery is to seek truth, to ensure that disputes are decided by facts revealed, not those concealed.

**2. Pretrial Procedure | Key |432**

In response to products liability plaintiff's request for production of documents pertaining to passive restraint devices, automobile manufacturer was properly permitted to make such documents available in its "reading room" located at its headquarters; in response to numerous lawsuits, manufacturer collected in reading room in usual course of its business of defending itself in passive restraint litigation all those documents which plaintiffs requested. Vernon's Ann.Texas Rules Civ. Proc., Rule 167, subd. 1, par. f.

**3. Appeal and Error | Key |882(1)**

Party will not be heard to complain of error in trial court which occurred at party's request.

**4. Appeal and Error | Key |970(2)**

Preliminary questions regarding admissibility of evidence are determined by court; such determination will not be overturned absent abuse of discretion. Rules of Civ.Evid., Rule 104(a).

**5. Appeal and Error | Key |1056.1(1)**

Error may not be predicated upon ruling which excludes evidence unless substantial right of party is affected. Rules of Civ.Evid., Rule 103(a).

**6. Pretrial Procedure | Key |433**

Trial court properly refused to admit, for lack of authentication, certain documents which automobile manufacturer produced in products liability action in response to plaintiffs' request for production of documents, despite plaintiffs' claim that documents were essentially self-authenticating because they were produced by manufacturer; as to several of documents, source and parties involved could not be confirmed and manufacturer could not attest to accuracy of contents and additionally, excluded evidence was cumulative of other evidence which was admitted during trial.

**7. Appeal and Error | Key |1048(6)**

Even if it was error in products liability action to permit plaintiffs' expert witnesses to be questioned by automobile manufacturer about various countries which had passed mandatory seat belt use laws at time of automobile accident, such error was harmless; trial court gave limiting instruction that jury not consider enactment of such laws.

**8. Appeal and Error | Key |882(8)**

Party on appeal will not be heard to complain of improper evidence offered by other side when he himself introduces same evidence.

**9. Evidence | Key |382**

When authenticity of evidence is challenged, trial court first determines preliminary questions about its admissibility; only when preliminary proof is sufficient to raise issue of fact on genuineness of evidence must court admit it and allow jury to determine weight it is given. Rules of Civ.Evid., Rule 104(a).

**10. Evidence | Key |382**

Trial court did not abuse its discretion in products liability action in refusing to admit crash test data its expert had obtained in another case involving same automobile manufacturer; genuineness of documents was not sufficiently established to raise fact issue for jury, where witness had obtained tests not from manufacturer, but from plaintiff's attorney in other case and further, witness could not verify that tests had been unaltered.

**11. Trial | Key |23**

In products liability action, automobile manufacturer was properly permitted to pay rotating trio of court reporters to produce daily transcript of testimony, without providing plaintiffs with free copy of transcripts; there was no showing at trial that plaintiffs were indigent, and further, trial court offered plaintiffs opportunity to tape record proceedings, thus

providing alternative means of daily access to each day's testimony.

**12. Courts | Key | 1**

Inherent power of court, which is not derived from any legislative grant or specific constitutional provision, may be called upon to aid court in exercise of its jurisdiction and administration of justice; aspect of this power is court's power to compel expenditure of public funds to essentially fulfill its function, including payments made to personnel court deems essential.

**13. Appeal and Error | Key | 78(1)**

Once there has been conventional trial on merits, interlocutory order overruling motion for summary judgment is not reviewable on appeal.

**14. Workers' Compensation | Key | 2247**

Insurer which provided workers' compensation coverage for decedent and which intervened in wrongful death action to enforce its statutory right to reimbursement for compensation benefits it paid to decedent in event plaintiffs recovered at trial was not liable for costs incurred by automobile manufacturer which prevailed at trial; Workers' Compensation Act was silent as to costs where no recovery was had. Vernon's Ann.Texas Civ.St. art. 8306 et seq. (Repealed).

**15. Constitutional Law | Key | 70.1(2)**

Court cannot judicially amend statute, adding words not implicitly contained in language of statute.

---

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born, Mich., Kevin J. Cook, Dallas, and Deborah Beck McWilliams, Austin, for appellees.

Before ENOCH, C.J., and GERALD T. BISSETT[1] and BILL J. STEPHENS,[2] JJ. Retired (Sitting by Assignment).

## OPINION

ENOCH, Chief Justice.

This is an appeal from a take-nothing judgment rendered in a wrongful death case. Only the products liability cause of action was submitted to the jury, which found that the automobile involved in the collision was not defectively designed. In six points of error, the Steenbergens challenge various evidentiary rulings made by the trial court. They also allege the trial court erred by allowing the court reporters to prepare daily transcripts of testimony presented at trial. Additionally, one of the intervening insurance companies brings two points of error challenging the manner in which the trial court assessed a portion of the court costs. And finally, in a cross-point, Ford alleges the trial court erred in overruling its motion for summary judgment, which raised the issue of federal preemption of part of the defective design cause of action. For the reasons stated below, we modify the judgment of the trial court, and as modified, affirm.

## FACTS

On July 1, 1984, Joseph Ray Steenbergen was involved in an automobile collision. He was driving a 1982 Ford LTD when his vehicle collided with a pick-up truck. Steenbergen, who was not wearing his seatbelt, suffered multiple injuries. After

[1]The Honorable Gerald T. Bissett, Justice, Retired, Court of Appeals, Thirteenth District of Texas at Corpus Christi, sitting by assignment.

[2]The Honorable Bill J. Stephens, Justice, Retired, Court of Appeals, Fifth District of Texas at Dallas, sitting by assignment.

several months of hospitalization and treatment, he was released, but shortly thereafter died, ostensibly as the result of these injuries.

## DOCUMENT PRODUCTION

The Steenbergens have grouped their first three points of error together, and we will address them in that manner. They generally complain that they were prevented from obtaining evidence necessary to the presentation of their case by the manner in which the trial court allowed Ford Motor Company to respond to requests for production. Specifically, they allege that Ford's method of producing documents in response to their request for production of documents No. 17, and the trial court's protective order, was harmful error requiring reversal. We disagree.

Request No. 17 asked Ford to produce:

> All documents regarding, discussing, or pertaining in any way to any communications from you or to you or from any other person to any other person regarding, discussing, or pertaining in any way to the subject of use or installation of airbags in motor vehicles, including documents from or to:
>
> (1) any governmental entity;
> (2) any trade or professional association;
> (3) any of your agents, employees, or representatives;
> (4) any member of the public;
> (5) any other motor vehicle manufacturer.

In response, Ford indicated this request would require the production of what could amount to millions of documents. Ford had been collecting these documents in what came to be known as the "reading room" in response to this and numerous other cases involving claims based on the absence of passive restraints in its vehicles. As a result, Ford sought and received a protective order from the trial court approving,

among other things, production of these documents at Ford's headquarters in Dearborn, Michigan.

The Steenbergens argue that allowing Ford to produce these documents in the reading room in Dearborn violates Rules 167 and 168 of the Texas Rules of Civil Procedure. Assuming that the Steenbergens have not waived any error by failing to complain in the trial court (indeed, if not expressly approving) of this procedure, we find the Steenbergens' argument to be without merit.

[1] The goal of discovery is to seek the truth, to ensure that disputes are decided by the facts revealed, not those concealed. *Jampole v. Touchy*, 673 S.W.2d 569, 573 (Tex.1984). We must recognize that the adversarial approach to discovery, however, oftentimes frustrates this purpose. Parties can hinder, or be hindered by, their opponents, by forcing them to utilize repetitive and expensive methods to find out these facts. *Garcia v. Peeples*, 734 S.W.2d 343, 347 (Tex.1987). Also, parties frequently make overly broad, burdensome and/or harassing requests for information, or seek nondiscoverable matters. *McKinney v. National Union Fire Ins.*, 772 S.W.2d 72, 75 (Tex.1989). It is well known that discovery costs are a major part of the overall expense of a trial. For that reason, our courts have recognized that the concept of shared discovery can be an effective means of insuring full and fair disclosure. Allowing similarly situated parties access to information from a common adversary promotes consistency in responses and prevents needless duplication and expense. *Garcia*, 734 S.W.2d at 347.

[2] However, it is important for us to recognize that the tool of shared discovery cuts both ways. Just as a plaintiff should be allowed access to the discovery of other plaintiffs dealing with identical issues, so too should a defendant facing multiple lawsuits be granted the opportunity to reduce the expense and intrusion on its affairs by providing a common

pool of information in a central location. Indeed, it is apparent from the record that the Steenbergens, in fact, did share access to this common pool of information with a number of other individuals involved in similar litigation against Ford.

Rule 167 requires the party producing documents to "produce them as they are kept in the usual course of business, or shall organize and label them to correspond with the categories in the request." TEX.R.CIV.P. 167(1)(f). That is precisely what Ford did. In response to numerous lawsuits, Ford had collected in the reading room *in the usual course of its business* of defending itself in passive restraint litigation, all those documents which the Steenbergens requested. And the Steenbergens' Request No. 17 did not seek to organize or label these documents into categories. It merely indicated five groups of individuals or entities it wished included as either sources or recipients of communications regarding, discussing, or pertaining in any way to airbag use or installation.

Rule 168 allows the party responding to a discovery request the option:

> to specify the [business] records from which the answer may be derived or ascertained and, if applicable, to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries. The specification of records provided shall include sufficient detail to permit the interrogating party to locate and identify as readily as can the party served, the records from which the answers may be ascertained.

TEX.R.CIV.P. 168(2)(b).

**[3]** *All* the documents in the reading room apparently satisfied the Steenbergens' request. Ford responded to the Steenbergens' request in a manner which the trial judge and the Steenbergens themselves found satisfactory up to the

time of trial. A party will not be heard to complain of error in the trial court which occurred at that party's request. *Shafer v. Bedard*, 761 S.W.2d 126, 131 (Tex.App.–Dallas 1988, no writ). The Steenbergens sought and were granted access to countless documents pertaining to passive restraints. They cannot now complain that because of the sheer magnitude of their request, it was impossible for them to ferret out those documents that would be most damaging to their opponent. Further, they cannot complain that Ford sought to introduce documents that they may have overlooked or perhaps even consciously decided did not aid in the presentation of their cause. The Steenbergens were given the opportunity to examine the documents in the reading room for over two years before trial. They requested and received copies of over 16,000 of these documents, and nothing prevented them from requesting and receiving copies of all of those remaining.

The overriding objective of our rules is "to obtain a just, fair, equitable and impartial adjudication of the rights of *litigants* . . . with as great expedition and dispatch and at the least expense [] to the *litigants*. . . ." TEX.R.CIV.P. 1 (emphasis added). *Litigants* include both plaintiffs *and* defendants. The Steenbergens cannot insist on taking advantage of virtually limitless access to the information Ford was required to make available to them, and later complain that the information they requested was more than they could digest. Absent some clear showing that the action of the trial court made it impossible to obtain crucial evidence, implicit in which is proof that more diligent discovery was impossible, we will not upset the trial court's conduct of discovery. *In re Fine Paper Antitrust Litigation*, 685 F.2d 810, 818 (3rd Cir. 1982). We overrule the Steenbergens' first three points of error.

## AUTHENTICATION OF DOCUMENTS

In their fourth point of error, the Steenbergens claim the trial court erred by refusing to admit, for lack of authentication, certain documents which Ford had produced. The Steenbergens argue that these documents were essentially self-authenticating because they were produced by Ford in response to a request for production.

The breadth of the Steenbergens' Request No. 17 sought discovery of communications from, among others, any member of the public, any trade association, or any other automobile manufacturer. Ford produced a great many such documents, and neither party produced an individual who could attest to the contents of some of these documents. In many instances, Ford did not create the documents and could not vouch for their accuracy. Without some authenticating testimony, this evidence would properly be excluded. Production of these documents expressed nothing more than Ford's belief that they contained information on passive restraints as described in the Steenbergens' request. *Fisher v. United States*, 425 U.S. 391, 412-13, 96 S.Ct. 1569, 1581-82, 48 L.Ed.2d 39 (1976).

**[4-6]** Preliminary questions concerning admissibility of evidence are determined by the court. TEX.R.CIV.EVID. 104(a). This determination will not be overturned absent an abuse of discretion. *Garza v. Cole*, 753 S.W.2d 245, 247 (Tex.App.–Houston [14th Dist.] 1988, writ ref'd n.r.e.). Further, error may not be predicated upon a ruling which excludes evidence unless a substantial right of the party is affected. TEX.R.CIV.EVID. 103(a). And reversible error is not shown in evidentiary rulings unless the whole case turns on the particular evidence excluded. *Shenandoah Assocs. v. J & K Properties, Inc.*, 741 S.W.2d 470, 490 (Tex. App.–Dallas 1987, writ denied). We have thoroughly reviewed the excluded evidence. As to several of the documents, the source and the

parties involved could not be confirmed, and Ford could not attest to the accuracy of the contents. Additionally, the record indicates that this excluded evidence was cumulative of other evidence which was admitted during the trial and, therefore, not of the sort on which the Steenbergens' case hinged. We overrule point of error four.

## POST-ACCIDENT EVENTS

In their fifth point of error, the Steenbergens complain that the trial court erred by admitting evidence concerning events which occurred subsequent to the date of manufacture of the automobile in question. Specifically, they argue that evidence of the passage of laws requiring the mandatory use of seatbelts, and use of crash-test results for cars manufactured after 1982, was inadmissible.

[7] During cross-examination, one of the Steenbergens' expert witnesses was questioned about various countries around the world which had passed mandatory seatbelt use laws in 1982. The Steenbergens' objection on relevancy grounds was overruled. After recognizing that this objection was not all-encompassing, the Steenbergens later objected to all questions concerning mandatory use laws passed at any time, in any country. This objection was also overruled. As a rule, post-event regulations are inadmissible. *Turner v. General Motors Corp.*, 584 S.W.2d 844, 852 (Tex.1979). This rule, however, would not require exclusion of the pre-1982 seatbelt laws, which arguably were relevant to certain claims advanced by the Steenbergens. In both instances, however, the trial court gave a limiting instruction that the jury not consider the enactment of seatbelt laws. As a result, even if it was error to allow these questions, any error is harmless as this court must presume that the jury obeyed the limiting instruction and did not consider the evidence. *Turner, Collie & Braden v. Brookhollow, Inc.*, 642 S.W.2d 160, 167 (Tex.

1982); *Texas Cookie Co. v. Hendricks & Peralta, Inc.*, 747 S.W.2d 873, 882 (Tex.App.–Corpus Christi 1988, writ denied); *In re B___ S___ L___*, 579 S.W.2d 527, 530 (Tex.Civ.App.–San Antonio 1979, writ ref'd n.r.e.).

**[8]** Also during cross-examination of this expert witness, Ford sought to offer into evidence summaries of crash tests which included automobiles manufactured in later model years as well as the vehicle involved here. The trial court *sustained* the Steenbergens' objection although certain testimony was allowed pertaining to comparisons of some of the test results contained in the report. Later, however, the Steenbergens' counsel *withdrew* his objection to the exhibits and tendered them himself. Because Ford now objected, the trial court did not allow the exhibits into evidence but did allow them to be used for demonstrative purposes. A party on appeal will not be heard to complain of improper evidence offered by the other side when he himself introduces the same evidence. *McInnes v. Yamaha Motor Corp., U.S.A.*, 673 S.W.2d 185, 188 (Tex.1984), *cert. denied*, 469 U.S. 1107, 105 S.Ct. 782, 83 L.Ed.2d 777 (1985); *Texaco, Inc. v. Pennzoil, Co.*, 729 S.W.2d 768, 841 (Tex.App.–Houston [1st Dist.] 1987, writ ref'd n.r.e.), *cert. dismissed*, 485 U.S. 994, 108 S.Ct. 1305, 99 L.Ed.2d 686 (1988). The Steenbergens' fifth point of error is overruled.

## EXCLUSION OF CRASH TESTS

In their sixth point of error, the Steenbergens claim the trial court erred in refusing to admit crash test data its expert had obtained in another case involving Ford. They claim that the preliminary proof was sufficient to raise a fact issue as to the genuineness of the documents, and thus, the trial court should have admitted it and allowed the jury to determine the weight given to the evidence.

The Steenbergens' expert testified that he was also an expert witness in another case in which Ford was the defendant. Reports were provided to him which bore the Ford logo and other distinctive characteristics which he claimed demonstrated their authenticity. The Steenbergens sought to admit these tests, relying on Rule 901(b)(4) of the Texas Rules of Civil Evidence. The trial court questioned the witness, and determined that the witness had obtained the tests not from Ford, but from the plaintiff's attorney in the other case. When asked by the court if he could verify that nothing in the tests had been altered or omitted, the witness admitted that he could not know. After this questioning, the trial court sustained Ford's objection to the admissibility of this evidence.

**[9, 10]** When the authenticity of evidence is challenged, the trial court first determines preliminary questions about its admissibility. TEX.R.CIV.EVID. 104(a). Only when the preliminary proof is sufficient to raise an issue of fact on the genuineness of the evidence must the court admit it and allow the jury to determine the weight it is given. *City of Corsicana v. Herod*, 768 S.W.2d 805, 814-15 (Tex.App.–Waco 1989, no writ). Based on the witness's admitted inability to verify the authenticity of the tests, a finding that the evidence lacked the predicate for admissibility was within the sound discretion of the court. Absent clear abuse of discretion, that finding will not be disturbed on appeal. *Ford Motor Co. v. Nowak*, 638 S.W.2d 582, 590 (Tex.App.–Corpus Christi 1982, writ ref'd n.r.e.); *see also Apache Ready Mix Co., Inc. v. Creed*, 653 S.W.2d 79, 84 (Tex.App.–San Antonio 1983, writ dism'd). We overrule point of error six.

## DAILY TRANSCRIPTS

**[11]** The Steenbergens' seventh point of error alleges the trial court erred by allowing Ford to pay a rotating trio of court reporters to produce a daily transcript of the testimony.

The Steenbergens raise a variety of challenges based on the United States and Texas Constitutions. Principally, they argue that this practice denied them equal protection of the law. They further argue that the use of two official, and one unofficial, court reporters to produce these daily transcriptions, and allowing them space in the courthouse and access to public office equipment to do so, is violative of numerous provisions of the Texas Constitution, as it uses public property and funds to benefit a private litigant.

The trial court refused to provide the Steenbergens with a free copy of the transcripts which the court reporters were producing at Ford's expense. The Steenbergens urge that this was an abuse of discretion and denied them equal protection. The cases cited by the Steenbergens provide no support for their position. These cases deal primarily with criminal trials or appeals. *See, e.g., Griffin v. Illinois*, 351 U.S. 12, 76 S.Ct. 585, 100 L.Ed. 891 (1956); *United States v. Bari*, 750 F.2d 1169 (2nd Cir. 1984), *cert. denied*, 472 U.S. 1019, 105 S.Ct. 3482, 87 L.Ed.2d 617 (1985). Even those cases which might arguably be instructive deal with indigent defendants and do not require "absolute equality or precisely equal advantages." *Ross v. Moffitt*, 417 U.S. 600, 612, 94 S.Ct. 2437, 2444-45, 41 L.Ed.2d 341 (1974).

**[12]** Regarding indigency, there was no showing at trial that the Steenbergens were indigent, only conclusory statements by counsel that they could not pay for copies of the daily transcripts. Regardless, the trial court offered the Steenbergens the opportunity to tape record the proceedings, thus providing an alternative means of daily access to each day's testimony. As for use of public premises, equipment, and employees, the inherent power of a court, which is not derived from any legislative grant or specific constitutional provision, may be called upon to aid the court in the exercise of its jurisdiction and the administration of justice. This power exists to

enable a court to effectively perform its judicial function. *Eichelberger v. Eichelberger*, 582 S.W.2d 395, 398-99 (Tex.1979). One aspect of this power is the court's power to compel the expenditure of public funds to efficiently fulfill its function, including payments made to personnel the court deems essential. *Mays v. Fifth Court of Appeals*, 755 S.W.2d 78, 80 (Tex.1988) (Spears, J., concurring); *Vondy v. Commissioners Court of Uvalde County*, 620 S.W.2d 104, 109-10 (Tex.1981). Assuming that the Steenbergens have not waived the complaints grounded in the Texas Constitution by failing to raise them at trial as required by Rule 52(a) of the Texas Rules of Appellate Procedure, we find no abuse of discretion. We overrule the Steenbergens' seventh point of error.

## PREEMPTION

In a cross-point, Ford claims the trial court erred in overruling Ford's motion for summary judgment. This motion asserted that the Steenbergens' defective design complaint based on the absence of an airbag in the 1982 Ford LTD involved in the collision was preempted by federal law.

**[13]** It has long been the rule in this state that once there has been a conventional trial on the merits, the interlocutory order overruling a motion for summary judgment is not reviewable on appeal. *Ackermann v. Vordenbaum*, 403 S.W.2d 362, 365 (Tex.1966). We overrule Ford's cross-point.

## COURT COSTS

**[14]** North River Insurance Company, New Jersey, provided workers' compensation coverage for the decedent. North River intervened in the wrongful death action to enforce its statutory right to reimbursement for compensation benefits it paid to the decedent in the event the Steenbergen appellants had recovered at trial. The trial court entered a take-nothing judgment and taxed costs against the Steenber-

gens, who filed a motion to amend the judgment asking that costs be taxed jointly and severally against the Steenbergens and the two intervening insurance companies.[3] The trial court entered an Amended Final Judgment which taxed 40% of the costs of court incurred by Ford against North River and the remaining 60% against the Steenbergens. North River, as cross-appellant, claims the trial court abused its discretion in taxing costs against North River because the workers' compensation statute does not authorize a trial court to tax costs against workers' compensation carrier intervenor in a third-party action. We agree.

**[15]** The Texas Workers' Compensation Act as enacted by the legislature is an exact compensation scheme. And while the statute authorizes the insurance carrier to pay costs where there has been a recovery against a third party, it is silent as to costs where no recovery is had. A court cannot judicially amend a statute, adding words not implicitly contained in the language of the statute. *Aetna Casualty & Sur. Co. v. Harjo*, 766 S.W.2d 583, 583 (Tex.App.–Beaumont 1989, no writ) (citing *Jones v. Liberty Mut. Ins. Co.*, 745 S.W.2d 901, 902 (Tex.1988)). Consequently, we sustain North River's second point of error. As a result of this disposition, we need not address North River's second point of error.

The judgment of the trial court is therefore modified to tax Ford's costs against the Steenbergens, and as modified, affirmed.

---

[3]Transport Life Insurance Company provided medical insurance coverage to the Steenbergens and intervened to recover benefits paid. Transport is made an appellee by North River's points of error.

**THE SUPREME COURT OF TEXAS**
P.O. Box 12248
Supreme Court Building
Austin, Texas 78711
John T. Adams, Clerk

February 19, 1992

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Dearborn, MI 48126

Ms. Laura A. Lane
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Dallas, TX 75225

RE: Case No. D-1755
Style: PEGGY STEENBERGEN, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF JOSEPH RAY STEENBERGEN, DECEASED; AND JANET STEENBERGEN AS NEXT FRIEND OF JULIE ANN STEENBERGEN AND JENNIFER JO STEENBERGEN, MINORS

v. FORD MOTOR COMPANY and NORTH RIVER INSURANCE COMPANY

Dear Counsel:

The application for writ of error in the above-styled case was this day denied with the notation, Writ Denied.

Justice Hightower not sitting.

Sincerely,

John T. Adams, Clerk

by _____
Blanca Morin, Deputy

**THE SUPREME COURT OF TEXAS**
P.O. Box 12248
Supreme Court Building
Austin, Texas 78711
John T. Adams, Clerk

March 25, 1992

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RE: Case No. D-1755
Style: PEGGY STEENBERGEN, INDIVIDUALLY AND ON BEHALF OF THE ESTATE OF JOSEPH RAY STEENBERGEN, DECEASED; AND JANET STEENBERGEN AS NEXT FRIEND OF JULIE ANN STEENBERGEN AND JENNIFER JO STEENBERGEN, MINORS

v. FORD MOTOR COMPANY and NORTH RIVER INSURANCE COMPANY

Dear Counsel:

The motion for rehearing in the above referenced application for writ of error was this day overruled.

Justice Hightower not sitting.

Sincerely,

John T. Adams, Clerk

by _____
Blanca Morin, Deputy

(2)

No. 91-2070

Supreme Court, U.S.
FILED
JUL 20 1992
OFFICE OF THE CLERK

In The

# Supreme Court of the United States

October Term, 1992

PEGGY STEENBERGEN, Individually and on Behalf of the Estate of JOSEPH RAY STEENBERGEN, Deceased; and JANET STEENBERGEN as Next Friend of JULIE ANN STEENBERGEN and JENNIFER JO STEENBERGEN, Minors,

*Petitioners,*

v.

FORD MOTOR COMPANY,

*Respondent.*

**Petition For Writ Of Certiorari To The Texas Court Of Appeals For The Fifth District Of Texas**

## RESPONDENT'S BRIEF IN OPPOSITION

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## QUESTIONS PRESENTED

1. Whether Plaintiffs waived their equal protection argument by failing to properly raise it in the Texas Supreme Court.

2. Whether Plaintiffs' argument that they were unable to afford daily trial transcript has any factual support in the record.

3. Whether non-indigent litigants in civil cases have a constitutional right to use – free of charge – all of the litigation tools used by their adversaries, merely because the lawyer asserting that right claims that his clients cannot afford to pay for them.

4. Whether Plaintiffs suffered any legally cognizable prejudice from Defendant's use of daily transcript to truthfully show what occurred earlier in the month-long trial.

## RULE 29.1 STATEMENT

The subsidiaries of Ford Motor Company required to be disclosed under Supreme Court Rule 29.1 are listed in Appendix B.

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Respondent Ford Motor Company ("Ford") respectfully requests that this Court deny the petition for a writ of certiorari by which Plaintiffs seek review of a decision of the Texas Court of Appeals.

## STATEMENT OF THE CASE

This is a product liability/wrongful death case brought under Texas law. Plaintiffs' principal allegation was that the 1982 Ford LTD in which their decedent was injured – and more than 100 million other vehicles made by every automobile manufacturer in the world – were defectively designed because they were equipped with standard lap/shoulder seat belts rather than with automatic seat belts or airbags. A jury rejected this claim, the Texas Court of Appeals affirmed, and the Texas Supreme Court denied Plaintiffs' application for a writ of error.

This was the first case involving such allegations to be tried. It was tried by a plaintiff's lawyer, Windle Turley, known nationally for his expertise in product litigation. Because of the significance of this case to Ford, to the automotive industry, and to society generally, Ford arranged to have daily trial transcript prepared for its use in defending against Plaintiffs' allegations. Ford wanted to hire a private court reporter to prepare the daily transcript, but the trial court refused to allow that. (S.F. V, 619-1) Instead, the trial court's regular court reporter alternated shifts during the day with one other official court reporter and one free-lance reporter.

The trial court explained its reasons for refusing to allow Ford to hire a private reporter: (1) The presence of

only one reporter in the courtroom at a time would avoid confusion and congestion; (2) the additional reporters needed to prepare the daily transcript would relieve the trial court's regular court reporter from the obligation of recording and transcribing all of the testimony taken all day, every day in the month-long trial; and (3) relieving the regular court reporter would allow for a more accurate transcription of the record. In addition, the official court reporters were more familiar with the court's operation than free-lance reporters. (S.F. V, 617-1-618-1, 623-1; S.F. VI, 760, 786)

The trial court offered Plaintiffs' counsel equal access to the daily transcript on terms to be negotiated with the court reporter. (S.F. V, 620-1; S.F. VI, 758-59, 761) Plaintiffs' counsel claimed that his clients could not afford daily transcript, but he offered no testimony or evidence of any kind to support that claim. (S.F. V, 620-1, 759) The trial court observed that Plaintiffs had the right to file affidavits to support their claim (S.F. V, 621-1), but Plaintiffs elected not to do so.

The trial court also invited Plaintiffs' counsel to tape record the proceedings if he so desired. (S.F. VI, 761) Plaintiffs' counsel apparently elected not to do so.

During the trial, Ford offered at least once to allow Plaintiffs' counsel to "look through [the relevant volume of the daily transcript] as much as you like." (S.F. VIII, 1189) Plaintiffs' counsel apparently declined. There is no record that Plaintiffs' counsel ever requested, or ever was denied, a reasonable opportunity to examine any portion of the daily transcript.

No tax funds were used to pay for the daily transcript. (S.F. VI, 784) The "state property" which Plaintiffs assert was used to prepare the daily transcript was merely space in the court reporter's office. (S.F. VI, 784-85) Plaintiffs (but not Ford) had been given space in the courthouse to store materials. (S.F. VI, 757)

## REASONS FOR DENYING THE WRIT

### I.

### PLAINTIFFS WAIVED THEIR EQUAL PROTECTION ARGUMENT BY NOT PROPERLY RAISING IT IN THE TEXAS SUPREME COURT

The Texas Court of Appeals rejected Plaintiffs' argument based on the equal protection clause of the United States Constitution. Plaintiffs, however, did not raise that argument, or any argument based on the United States Constitution, in their application for a writ of error filed with the Texas Supreme Court. (The Points of Error which Plaintiffs raised in the Texas Supreme Court are reproduced in full in Appendix A.) Accordingly, Plaintiffs waived their constitutional arguments as a matter of Texas law. *E.g. McKelvy v. Barber*, 381 S.W.2d 59, 64 (Tex. 1964) (points not raised in application for writ of error are deemed waived). Therefore, that argument is not properly before this Court. *See, e.g., Beck v. Washington*, 369 U.S. 541, 549-553 (1962).[1]

[1] Plaintiffs belatedly renewed their due process and equal protection arguments in a motion for rehearing filed in the

(Continued on following page)

## II.

## PLAINTIFFS' EQUAL PROTECTION ARGUMENT IS ENTIRELY LACKING IN ANY FACTUAL SUPPORT

Plaintiffs' equal protection argument is premised on their lawyer's claim that his clients were unable to afford portions of the daily trial transcript. But Plaintiffs made no attempt to show, by affidavit or otherwise, either (1) the cost of those portions of the daily transcript that they purportedly needed or (2) their inability to pay that cost.

What the record does show is that Plaintiffs and their attorneys have been able to afford the cost of litigating a major product liability case through three and a half years of pretrial proceedings, through a month-long trial, through an appeal to the Texas Court of Appeals and an application for writ of error in the Texas Supreme Court, and through a certiorari petition to this Court. They and their attorneys have been able to afford out-of-state experts, high-tech computer simulations, numerous depositions, extensive discovery, laser-disc video equipment more sophisticated and costly than anything used by Ford, dozens of large blowups of numerous exhibits, and numerous charts and graphics. (E.g. PX 295; Ex. Vol. VI, 2178, 2182; S.F. III, 417; S.F. V, 564-1-565-1, 574-1-575-1, 637) In short, Plaintiffs have been, and still are, able to afford everything else they needed throughout five years

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(Continued from previous page)

Texas Supreme Court. However, this was insufficient to preserve the issue under either state or federal law. *E.g. Radio Station WOW, Inc. v. Johnson*, 326 U.S. 120, 128 (1945); *Morrison v. Chan*, 699 S.W.2d 205, 206-207 (Tex. 1985).

of litigation – except, they would have this Court believe, a portion of the cost of a daily trial transcript.

Further, Texas lawyers are permitted to, and commonly do, advance the costs of litigation and make repayment of those costs contingent on a recovery. Texas Disciplinary Rule of Professional Conduct 1.08(d)(1). In this very case, the evidence shows that it was Plaintiffs' lawyers, not Plaintiffs themselves, who were paying the fees of Plaintiffs' experts. (S.F. III, 417; S.F. V, 564-1- 565-1) Plaintiffs have not asserted that their nationally recognized law firm was unable to advance the costs of necessary portions of daily transcripts, just as it advanced or paid the experts' fees and just as it has surely advanced other litigation costs – such as the cost of printing their certiorari petition.

## III.

## PLAINTIFFS' EQUAL PROTECTION ARGUMENT IS ENTIRELY LACKING IN ANY LEGAL SUPPORT

Plaintiffs' argument also lacks legal support. The only case they cite that involves daily transcript concerned an *indigent* defendant in a *criminal* case. *United States v. Bari*, 750 F.2d 1169, 1181-82 (2nd Cir. 1984), *cert. denied* 472 U.S. 1019 (1985). This case is not a criminal case, and Plaintiffs have never alleged that they are indigent.

Further, under *Bari*, even an indigent defendant in a criminal case is not entitled to daily transcript where the trial court offers "other means" to substitute for daily transcript – as the trial court in this case invited use of a tape recorder. *United States v. Sliker*, 751 F.2d 477, 489-492

(2d Cir. 1984), *cert. denied* 470 U.S. 1058, and *cert. denied* 471 U.S. 1137 (1985). *See also Walle v. Sigler*, 456 F.2d 1153, 1156 (8th Cir. 1972) (indigent defendant in a criminal case does not have a constitutional right to daily transcript). This Court has expressly held that even an indigent defendant in a criminal case does not have a constitutional right to all of the advantages enjoyed by other defendants. *See Ross v. Moffitt*, 417 U.S. 600 (1974) (indigent defendant in a criminal case did *not* have a right to counsel on appeal to the North Carolina Supreme Court).

Further, a party in a civil case does not necessarily even have a constitutional right to a lawyer, let alone a constitutional right to free use of all of the litigation tools his adversary might use. *See Lassiter v. Department of Social Services*, 452 U.S. 18 (1981). In fact, if the rule were as Plaintiffs in this case contend, any plaintiff in any civil case could prevent defendants from hiring experts, using video equipment, preparing exhibits, or using any other tool of litigation merely by *claiming* that the plaintiff was unable to afford that tool.

## IV.

## PLAINTIFFS SUFFERED NO COGNIZABLE PREJUDICE FROM THE TRUTH

As the trial court correctly recognized, the presence of two additional court reporters at Ford's expense was a significant benefit to the trial court and to the parties. These reporters were able to relieve the trial court's own reporter during the course of a month-long trial, so that three reporters, not just one, shared responsibility for preparing the official transcript. Thus, the quality of the

transcript, and therefore the quality of justice, was improved. (S.F. V., 617-1-618-1) Further, the availability of daily transcript allowed the judge to rule more intelligently on disputes that arose during trial, because he was able to determine accurately what had transpired days or weeks earlier, without having to rely on the imperfect memories of the court and counsel.

In contrast, Plaintiffs have failed to demonstrate any legally cognizable prejudice. All Plaintiffs have done is cite portions of the proceedings where Ford used the daily transcript to *truthfully* show what had occurred earlier in the month-long trial. (S.F. VIII, 1190-92; S.F. IX, 1551-53; S.F. X, 1785) Ford's use of the transcript in this fashion cannot constitute prejudice requiring reversal, because Plaintiffs had no legal or constitutional right to take advantage of their own counsel's or their own expert's misrepresentations – whether innocent or intentional – of prior testimony or proceedings.

## CONCLUSION

For these reasons, the petition for a writ of certiorari should be denied.

Respectfully submitted,

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*Counsel for Respondent*

# APPENDIX A

## POINTS OF ERROR RAISED IN PETITIONERS' APPLICATION FOR WRIT OF ERROR FILED IN TEXAS SUPREME COURT

POINTS OF ERROR

I.

THE COURT OF APPEALS ERRED IN HOLDING THAT THE DOCUMENTS PRODUCED BY FORD IN RESPONSE TO PETITIONERS' REQUEST FOR PRODUCTION WERE KEPT IN FORD'S "READING ROOM" IN THE USUAL COURSE OF ITS BUSINESS. (Germane to First Point in Motion for Rehearing).

II.

THE COURT OF APPEALS ERRED IN HOLDING THAT PETITIONERS FAILED TO SEEK TO ORGANIZE OR LABEL THE REQUESTED DOCUMENTS INTO CATEGORIES. (Germane to Second Point in Motion for Rehearing).

III.

THE COURT OF APPEALS ERRED IN HOLDING THAT FORD PROPERLY OR SUFFICIENTLY SPECIFIED THE RECORDS FROM WHICH THE INFORMATION SOUGHT IN PETITIONERS' REQUEST FOR PRODUCTION COULD BE OBTAINED. (Germane to Fourth Point in Motion for Rehearing).

IV.

THE COURT ERRED IN HOLDING THAT FORD WAS PROPERLY ALLOWED TO INTRODUCE EVIDENCE WHICH IT NEITHER PROVIDED NOR SUPPLEMENTED IN RESPONSE TO APPELLANTS' REQUEST FOR PRODUCTION. (Germane to Fifth Point in Motion for Rehearing).

V.

THE COURT OF APPEALS ERRED IN HOLDING THAT THE TRIAL COURT CORRECTLY EXCLUDED DOCUMENTS THAT WERE PRODUCED BY FORD IN RESPONSE TO PETITIONERS' REQUEST FOR PRODUCTION, SINCE THE FACT THAT THE DOCUMENTS WERE FOUND IN FORD'S POSSESSION WAS ENOUGH TO AUTHENTICATE THEM. (Germane to Sixth Point in Motion for Rehearing).

VI.

THE COURT OF APPEALS ERRED IN HOLDING THAT DOCUMENTS PRODUCED BY FORD WERE CUMULATIVE OF OTHER EVIDENCE ADMITTED DURING THE TRIAL. (Germane to Seventh Point in Motion for Rehearing).

VII.

THE COURT OF APPEALS ERRED IN HOLDING THAT THE TRIAL COURT DID NOT ERR OR ABUSE ITS DISCRETION IN EXCLUDING EVIDENCE OF CRASH TEST DATA OBTAINED

BY PETITIONERS' EXPERT WITNESS IN OTHER CASES INVOLVING FORD, WHERE THE DOCUMENTS WERE SHOWN TO HAVE DISTINCTIVE CHARACTERISTICS SUFFICIENT TO RAISE A FACT ISSUE AS TO THEIR GENUINENESS. (Germane to Eighth Point in Motion for Rehearing).

VIII.

THE COURT OF APPEALS ERRED IN HOLDING THAT THE TRIAL COURT DID NOT ERR OR ABUSE ITS DISCRETION IN ALLOWING FORD TO OBTAIN DAILY TRANSCRIPTS OF THE TESTIMONY; THE TRIAL COURT'S ACTION VIOLATED ART. 16, SEC. 6 OF THE TEXAS CONSTITUTION, WHICH PROHIBITS THE EXPENDITURE OF PUBLIC FUNDS FOR PRIVATE PURPOSES, AS WELL AS ART. 1, SEC. 3 OF THE TEXAS CONSTITUTION. (Germane to Ninth Point in Motion for Rehearing).

IX.

THE COURT OF APPEALS ERRED IN HOLDING THAT THE TRIAL COURT ERRED OR ABUSED ITS DISCRETION IN ASSESSING PART OF THE COURT COSTS AGAINST NORTH RIVER INSURANCE COMPANY. (Germane to Tenth Point in Motion for Rehearing).

## APPENDIX B

## RULE 29.1 LIST OF SUBSIDIARY COMPANIES

Ford Motor Company has no parent corporation. The following is a list of domestic and foreign companies in which Ford Motor Company owns a significant (not necessarily controlling) interest, but which are not wholly-owned by Ford:

Autolatina America, Inc.
Dobco Life Insurance Company
Ford Holdings
The Hertz Corporation

Argentina

- Autolatina Argentina S.A. de Ahorro Para Fines Determinados
- Invercred Compania Financiera S.A.
- Transax Socieded Anonima, Comercial, Industrial y Financiera
- Volkswagen Inversiones S.A.
- Volkswagen Sociedad Anonima de Ahorro Para Fines Determinados

Australia

- Australian Road Credit Limited
- Foral Service Proprietary Limited
- Ford Motor Company of Australia Limited
- Ford Sales Company of Australia Limited

Belgium

- Ford Credit N.V.
- Ford Motor Company (Belgium) N.V.

Brazil

Apolo Administradora de Bens S/C Ltda.
Autolatina Brasil S.A.
Autolatina Distribuidora de Titulos e Valores Mobiliaros Ltda
Autolatina Financiadora S.A. – Credito, Financiamento e Inves
Autolatina Leasing S/A – Arrandamento Mercantil
Autolatina Previdencia Privada
Autolatina S.A.
Consorcio Nacional Ford Ltda.
Consorcio Nacional Volkswagen Ltda.
Ford Brasil S.A.
Ford Distribudora de Productos de Petroleo Ltda.
Fundacao Autolatina
Inter-Locadora S/A
Sociedade Paulista de Aparelhos Domesticos "SPAD" Ltda.
Volkswagen Factoring Fomento Comercial S/A

Canada

Ford Motor Company of Canada, Limited

Denmark

Ford Credit A/S
Ford Motor Company A/S

England

A C Cars Limited
Aston Martin (RDP) Limited
Aston Martin Finance Limited
Aston Martin Lagonda Design Limited

Aston Martin Lagonda Limited
Aston Martin Lagonda U.S.A., Inc.
Aston Martin Sales Limited
Lagonda Properties Limited

Finland

Oy FORD Ab
Oy Ford Credit Rahoitus

Holland

Ford Nederland B.V.

Japan

Japan Climate Systems Corporation *CCD*

Mexico

Altec Electronica Chihuahua, S.A. de C.V. *ED*

Netherlands

Ford Credit B.V.

Norway

Ford Motor Norge A.S.

Singapore

Ford Motor Company Private Limited

Spain

Ford Credit S.A.

Sweden

Ford Credit AB
Ford Motor Company Aktiebolag
Ford Vagnskadegaranti AB

Switzerland

Ford Credit S.A.
Ford Motor Company (Switzerland) S.A.

Taiwan

Ford Taiwan Services, Limited

Venezuela

Ford Motor Credit S.A.